



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 11, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Donna F. Pohli, Assistant Planner

Subject: **AutoFair Realty II, LLC (applicant) and Helios Investments, LLC (owner)** – Review for acceptance and consideration of Final Approval of an amended application for a site plan to construct a 2,095 s.f. car rental facility and outdoor vehicle storage/parking. The parcel is located at 302 Continental Boulevard in the R (Residential) and Aquifer Conservation Districts. Tax Map 2B, Lot 032.

Background:

Please see attached previous memo and minutes from the September 9th, 2014 meeting.

As the Board will recall, the applicant received conditional final approval for a car rental facility and outdoor vehicle storage/parking on September 9, 2014. The Board waived Section 11.05.3-Parking Lot Lighting and Sections 7.05.19-Submission Items-Sidewalks. After receiving the approval and working to address the conditions, the applicant then informed staff that the contractor could not proceed forward with the conditionally approved site plan and therefore would need to come back with an amended plan. The amended plan shows a reduced parking storage area, as well as a reconfigured design and layout. The existing home is now proposed to be removed. The Board determined that the Autofair Realty II Site Plan was not of Regional Impact at their meeting on February 3, 2015.

The applicant is proposing to construct a small (2,095 square foot) car rental office building, associated parking for customers, employees, and vehicles for rental, as well as a vehicle parking/storage area to be utilized for inventory from the adjacent Autofair Volkswagen dealership.

Completeness: Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision.

Waivers: It appears the waivers granted on September 9, 2014, are still applicable with the amended application. Therefore, the applicant should request those waivers (from Section 11.05.3-Parking Lot Lighting and 7.05.19-Submission Items- Sidewalks) and any additional waivers from the Board again using the criteria below.

Recommendation: Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

The planning staff recommends that the Board grant conditional final approval to the amended application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. No proposed easements are shown on the plan; however easements appear necessary for both a driveway and pedestrian stairway that will cross the common property line between the subject parcel and the Autofair Volkswagen parcel. Appropriate easements should be provided for these areas and that any proposed easements be indicated on the plan;
3. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
4. The applicant shall obtain all necessary state permits (including NHDES Alteration of Terrain and NHDOT Driveway permit), provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
5. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;
6. The applicant shall address comments from the Fire Department (as applicable);
7. The applicant shall address any forthcoming comments from MVD (as applicable);
8. The applicant shall address the following comments from the Wastewater Division:
 - a. A sewer profile needs to be provided;
 - b. A sewer connection application to both the NHDES and the Town of Merrimack needs to be completed to assess flows being generated;
9. The applicant shall address any forthcoming comments from the Conservation Commission (as applicable);
10. The applicant shall address all applicable comments from the Town's peer review consultant, CLD;
11. The applicant shall address the following planning staff technical comments:
 - a. Please update the references to "Chapter 412" in note #10 on sheet 3 of 15 and any other references to read "Chapter 167" as the chapter for the Stormwater Ordinance has recently changed;
 - b. The applicant should indicate the appropriate buffers adjacent to lot 2B/030 from Section 10.01.4 of the regulations graphically in addition to note 1 on the Landscape Plan (sheet 6 of 15) to ensure compliance with the regulations;
 - c. The illumination plan indicates a uniformity ratio of 4.7:1, which exceeds the maximum of 4:1 per the requirements of the regulations. The applicant should adjust the illumination design to ensure compliance with the regulations or obtain a waiver from the Planning Board;
 - d. Please add sign dimensions to the elevations and state on the elevation plans (in addition to note 9 on sheet 3) that the applicant will be seeking a sign variance;

- e. Please revise note 2 on sheet 4 of 15 to be written for the Town of Merrimack standards;
- f. Applicant to add the proposed fencing in solution to pedestrians trespassing onto abutters' properties to the legend.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. As this proposal is for a new building the entire building shall be protected by an approved NFPA-13 compliant fire sprinkler system (The Town of Merrimack Building Zoning Ordinance and Building Code, Section 11). Plans shall be provided to the Fire Department for review and approval before a permit can be issued;
3. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to the Fire Marshal for review and approval before a permit can be issued;
4. All proposed easements and any applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;
5. The existing structures require the issuing of a demolition permit and associated inspections from the Building Department;
6. The Applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy.

cc: File
Correspondence
Autofair Realty II, LLC, Applicant
Helios Investments, LLC, Property Owner

ec: Kate Weiss & Bob Baskerville, Bedford Design Consultants
Fire Captain John Manuele
Ken Conaty & Jim Tayler, Wastewater Division
Tim Tenhave, Conservation Commission Chair
Heidi Marshall & Paul Konieczka, CLD Consulting Engineers
Building Official Fred Kelley
Carol Miner, Building Department